

# Town Council Meeting: 14 September 2008



Town of Garrett Park  
PO Box 84  
4600 Waverly Avenue  
Garrett Park, MD 20896

Regular Meeting of Town Council  
Garrett Park Town Hall  
10814 Kenilworth Avenue  
Garrett Park, MD 20896

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## MINUTES

**Meeting Call to Order:** Mayor Keller called the meeting to order at 8:03 PM. Present were Councilmembers Irons, Mandel, Petito, Schulp, and Wegner. Also present was Administrator Pratt, Margaret Soltan of the *Bugle*, Parks and Open Space Committee Chair Ida Sullivan, and a number of Town residents.

**Approval of Agenda:** Mayor Keller noted that Councilmember Wegner would need to leave the meeting early, and therefore he asked the Council's permission to take action items out of order so that Councilmember Wegner could vote. This was agreed to without objection.

### **Action/Discussion:**

- Consideration of Request for Waiver to Allow Construction of Driveway Retaining Walls in Town Right of Way - 11110 Rokeby - Rozenblat: Councilmember Irons referred the Council to Mr. Rozenblat's application, noting that no specific information had been provided as to the nature and extent of construction within the Town right of way between his property line and the Rokeby Avenue curb. (Mr. Rozenblat was not present) After extended discussion Councilmember Irons **MOVED**

That the consideration of Mr. Rozenblat's request to construct driveway retaining walls that extend into the Town right of way be continued until the October meeting, and that Administrator Pratt contact Mr. Rozenblat to ask him to provide the Council with the necessary additional information. Councilmember Wegner seconded the motion, which **PASSED** unanimously.

- Ordinance 2009-02: Establishment of a Debt Policy - Mayor Keller explained that recent legislation by the State legislature now requires that all municipalities have an adopted Debt Policy filed with the State Treasurer's office, and asked Administrator Pratt to review the draft ordinance with the Council. Councilmember Mandel **MOVED**

That Ordinance 2009-02, Establishment of a Debt Policy, be introduced. Councilmember Wegner seconded the motion. Extended discussion followed. Councilmember Schulp suggested that a definition of "long-term debt" be included in the body of the proposed debt policy and not as a footnote. Councilmember Petito recommended that the term

“general obligation debt” also be defined in a new definitions section and that no footnotes be included as a part of the debt policy. Mayor Keller asked if the mover and seconder of the motion accepted these changes as friendly amendments and Councilmembers Mandel and Wegner indicated that they would accept them. The Mayor called for a vote on the amended motion, which **PASSED** unanimously. (Ordinance 2009-02, as introduced, is attached to these minutes)

- Approval of Proposed Testimony for Sept. 22<sup>nd</sup> County Council Hearing on 2010-2012 Montgomery County Growth Policy – Mayor Keller reminded the Council of the hearing, pointing out that the proposed policy has elements of significant concern as they substantially depart from past practices in previously adopted growth policies and will have considerable impact on proposed development at White Flint. The Mayor stated that he was preparing testimony for the hearing and would circulate it to the Council for comments.
- Cambria Park Playground Equipment – Mayor Keller recognized Councilmember Petito, who introduced Parks and Open Space Committee Chair Ida Sullivan, who briefed the Council on the committee’s research into replacement playground equipment for Cambria Park. Ms. Sullivan noted that there was a fortunate confluence of discounts and special offers being made by major suppliers of playground equipment such that the Town could realize substantial savings of up to 35% if it is able to place an order by October 15<sup>th</sup>, and 25% by the end of November. In discussion with the Council, Ms. Sullivan indicated that she had visited various playgrounds with equipment from the suppliers the committee was considering, often with children from 6 to 17 years of age, to get a sense of what type of equipment would be best for the Town. Ms. Sullivan told the Council that there are a number of examples of similar installations nearby that can be visited – one at Holy Cross Elementary School and another at St. Paul Park in Kensington [Plyers Mill Rd & St Paul St.] Ms. Sullivan noted that the existing playground equipment at Cambria Park is 18 years old, and that it no longer complies with accepted safety standards. As to funding, Administrator Pratt noted that there is \$5,000 already appropriated in the FY 2010 budget that could be expanded to accommodate the required 2-for-1 match offered by Program Open Space (POS), the Town having approximately \$20,000 remaining in its POS account. Mayor Keller suggested that the Council discuss the possible funding options for playground equipment at the upcoming Council workshop on September 28<sup>th</sup>, and thanked Ms. Sullivan, Councilmember Petito, and the members of the committee for their work on this matter.

### **Mayor’s Report**

- Mayor Keller updated the Council on recent developments regarding the White Flint Sector Plan, including that the Montgomery County Council

hearing on the Sector Plan has been advanced to October 20 from its original November date. The Town will testify at that hearing.

- Mayor Keller updated the Council on Community Center/Nursery School/Garrett Park Estates Park Activity Building, including the fact that the Parks Department has not yet forwarded proposed language regarding the ownership interest that it proposes to offer to the Town, a critical element to Town consideration of acceptance of ownership. He also noted that the “utility separation” issue (between the elementary school and the Activity Building) is still unresolved between Montgomery County Public Schools and the Parks Department; he noted that resolution of this issue is also critical to consideration by the Town of ownership of the Activity Building.
- Mayor Keller noted that he authorized the Town joining with Montgomery County and other local municipalities in opposition to a Comcast Communications petition to the Federal Communications Commission for relief from various regulatory requirements. [Background: About two years ago Comcast filed a petition with the FCC requesting that the FCC find that Comcast's CATV system in Montgomery County was subject to effective competition. Such a finding would release Comcast from rate regulation in the County. Garrett Park joined other participating municipalities in filing an opposition to the petition. The opposition was granted and the petition was denied, but Comcast has filed a new petition.]
- The Mayor reported that SHA had recognized its failure to live up to its initial commitment to the Town to perform necessary repairs to Strathmore Avenue, and has made a further commitment to complete full repairs to the subsiding westbound lane between Clermont and Montrose within 30 days.
- Mayor Keller noted that installation of fiber-optic cable along Strathmore and Knowles Avenues appeared complete; he expressed the community's disappointment that the installation company had not replaced disturbed turf with new sod, only seeding those areas. He also noted that the contractor has pledged that, where there has been damage to the sidewalk or driveway aprons, entire sections will be replaced with new cement as opposed to small patches.

#### **Councilmember's Reports on Areas of Responsibility**

- Councilmember Irons reminded the Council of the Garrett Park Conservation Action /Garrett Park Conservation Trust self-guided tour, Sunday October 4<sup>th</sup> from 2:00 – 5:00 PM, to view homes and gardens in Garrett Park and Garrett Park Estates where various energy-saving and “green” actions have been taken.
- Councilmember Schulp reported on his attendance at a meeting held by Governor O'Malley for newly-elected local officials, noting that he had met

with members of the governor's municipalities interface staff and hoped to arrange a meeting for residents with them in the near future. Mayor Keller thanked Councilmember Schulp for his assistance at the Over-80's celebration held on Sunday.

**Town Administrator Report:**

- Monthly Financial Report & FY 2009 Summary - Administrator Pratt reviewed the unaudited FY 2009 Financial Report, noting that the Town ended the year in a strong financial position with over 1 million dollars in cash on hand. Administrator Pratt reported that the August Financial Report includes positive notes - the Town has received the same amount in revenue sharing from the County as last year, as well as negative notes - the state has cut the Town's FY 2010 Highway User Funds by 90%, from \$45,000 to \$4,500. Nonetheless, Mr. Pratt felt the Town would be in a strong position at the end of FY 2010 and was well positioned to meet any problems that might arise due to the recession.
- Monthly Building Permit Report - Administrator Pratt showed the Council the draft database of all building permits issued to Garrett Park properties and stated that he plans to have developed a useful summary format to keep the Council up to date on permit activity by the next Council meeting.

**Adjournment**      The meeting adjourned at 9:59 PM.

Respectfully submitted,

[TOWN SEAL]

Edwin Pratt, Jr.  
Clerk-Treasurer

ATTACHMENT #1

Ordinance 2009-02  
Introduced: 09/14/2009  
To Be Adopted: 10/12/2009

**An Ordinance to Adopt a Debt Policy**

WHEREAS, Article 95, Section 22F of the Maryland Code, as amended by Chapter 693 of the Acts of the General Assembly of Maryland, Session 2009, directs each local government to adopt a debt policy;

WHEREAS, the Town Council finds that a debt policy can help to ensure maintenance of a sound debt position and the protection of the Town of Garrett Park's credit; and

WHEREAS, the Town Council finds that adopting the debt policy attached hereto would promote the good government of the Town and protect and preserve the Town's rights, property, and privileges, and for the protection and promotion of the health, safety, and welfare of the residents of the Town.

NOW, THEREFORE, it is, this 14<sup>th</sup> day of September 2009, by the Town Council of Garrett Park:

RESOLVED, that the debt policy attached hereto be and is hereby adopted; and it is further

RESOLVED, that this Ordinance shall become effective 21 days after its adoption by the Town Council, as specified in Section 78-14 of the Town Charter; and it is further

RESOLVED, that a copy of this Ordinance and the attached Debt Policy shall be mailed by certified mail to the Maryland State Treasurer immediately upon its adoption.

I, Edwin Pratt, Jr., Clerk-Treasurer of Garrett Park, hereby certify that the foregoing Ordinance was adopted by the Town Council at its meeting on October 12<sup>th</sup>, 2009.

[TOWN SEAL]

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Edwin Pratt, Jr., Clerk-Treasurer

## **DEBT POLICY**

This Debt Policy is adopted to help ensure that Town debt is issued and incurred prudently. The Debt Policy sets forth guidelines for the issuance and management of all financings of the Town. Adherence to the policy will help ensure that the Town maintains a sound debt position while protecting the financial stability of the Town and the credit quality of its obligations.

### **I. Uses of Debt**

Subject to the applicable provisions of the Maryland Constitution, the Maryland Code, and the Charter and Code of the Town Garrett Park, as amended from time to time, debt may be used by the Town as deemed necessary and appropriate by the Town Council.

The Town Council will limit long-term borrowing to capital improvements and capital purchases. The Town Council will not use long-term borrowing to support current operations.

In that the Town does not currently have enterprise or utility fund related debt, no policy is incorporated herein with respect thereto. This policy, however, will be revised if and when the Town issues enterprise or utility debt.

Total general obligation debt will not exceed .5% (.005) of the assessed valuation of taxable property as determined by the Maryland Department of Assessment and Taxation for the current fiscal year.

Capital projects or capital purchases financed through the issuance of bonds, mortgaging of real property, loans, lease-purchases, or any other long-term borrowing will not be financed for longer than the expected useful life of the project or purchase.

### **II. Borrowing Power**

The following Sections of the Charter of the Town of Garrett Park are incorporated into this policy, as the same may be amended from time to time: 78-31, 78-32, 78-33, 78-34, 78-35, 78-44, 78-45, 78-46.

### **III. Definitions**

General Obligation Debt A municipal debt obligation on which interest and principal are guaranteed by the full financial resources and taxing power of the issuer. Sometimes referred to as a *full-faith-and-credit bond*.

Long-term Borrowing Long-term borrowing refers to any debt incurred by the Town of Garrett Park that is to be repaid over more than one fiscal year.